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PATENT COOPERATION TREATY

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Translation

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B122 12PCT 03		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/002968	International filing date (day/month/year) 08 octobre 2003 (08.10.2003)	Priority date (day/month/year) 09 octobre 2002 (09.10.2002)	
International Patent Classification (IPC) or national classification and IPC A61B 17/80, 17/86			
Applicant BIOTECH INTERNATIONAL (SARL)			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the report

II ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 06 mai 2004 (06.05.2004)	Date of completion of this report 20 December 2004 (20.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (January 1994)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/002968

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☐ the international application as originally filed.
- ☒ the description, pages 1-8, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.
- ☒ the claims, Nos. _____, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. 8,9, filed with the letter of 05 August 2004 (05.08.2004),
 Nos. 1-7, filed with the letter of 09 December 2004 (09.12.2004).
- ☒ the drawings, sheets/fig 1/5-5/5, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims	1-9	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations

1. This report makes reference to the following document:

D1: DE 196 29 011 A (WOLTER DIETMAR PROF DR MED),
22 January 1998 (1998-01-22)

- 2.1 Document D1 is considered to constitute the prior art closest to the subject matter of claim 1 and shows (the references in parentheses are to that document; see figure 3):

a self-locking osteosynthesis device of the type comprising a plate (*Knochenplatte* 13) with holes (*Durchgangslöcher* 15) through which a bone screw (*Knochenschrauben* 14) extends, the plate being made, at least in the zones (*Inlays* 16) which delimit the holes for the screws, of a material having mechanical properties such that the periphery of said holes can be self-tapped by tapping screws that can be used for fixing the plate.

- 2.2 The subject matter of claim 1 thus differs from the known osteosynthesis device in that the osteosynthesis plate comprises a composite

plate in which the periphery of the holes is formed by inlays made of a biocompatible plastic material and inserted into the holes in the remaining part of the plate, which is made of metal.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

2.3 Document D1 discloses only the three following possibilities (column 2, lines 31-48; claim 3):

1. the osteosynthesis plate is made of titanium and the inlays of softer titanium;
2. the osteosynthesis plate is made of stainless steel;
3. the osteosynthesis plate is made of a plastic material.

Consequently, the combination of features in claim 1 is neither known from nor suggested by the available prior art.